

FILED 15 JUL 11 11:13 AM SDC:OFF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

LOUIS CARUSO,)	
)	
Plaintiff,)	Civil No. 10-6026-HO
)	
v.)	ORDER
)	
U.S. BUREAU OF ALCOHOL, TOBACCO, AND)	
FIREARMS,)	
)	
Defendant.)	
_____)	

The court recently granted summary judgment in plaintiff's favor and plaintiff now seeks fees and costs, under 5 U.S.C. § 552(a)(4)(e), in the amount of \$12,223.12 and \$350 respectively.

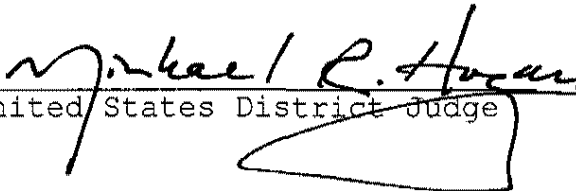
In response, the government asks the court to stay the order and judgment requiring disclosure and to stay a decision on fees and costs in light of its appeal in this matter. Plaintiff has not filed any opposition to the government's request for a stay and the

court agrees that a stay is necessary in this FOIA case to ensure meaningful appellate review. In addition, the government's withholding of some of documents may at least have had a reasonable basis even if ultimately that position turned out to be incorrect. Accordingly, the government's motions for stay are granted.

CONCLUSION

For the reasons stated above, the government's motions for stay of judgment pending appeal (#64) and stay of decision regarding fees and costs (#66) are granted. Plaintiff's motions for fees (#59) and costs (#63) are denied without prejudice to be reinstated, if necessary, at the conclusion of the appeal in this case.

DATED this 14th day of July, 2011.


United States District Judge